

9. (Amended) A damping element in automotive construction comprising a composite element as claimed in claim 1.

14. (Amended) The composite element as claimed in claim 1 comprising a damping element in automotive construction.

### REMARKS

Applicants respectfully request reconsideration of the present application as amended herein. Upon entry of the above preliminary amendment, claims 1, 9 and 14 remain pending in the application. Claims 2-7, 10-13 and 15-18 have been cancelled. Applicants reserve the right to file divisional applications containing the non-elected claims. The above amendments place the claims in better condition for examination on the merits. Should the Examiner have any questions, please contact the undersigned attorney.

Applicants' representative, Fernando Borrego, was contacted by telephone by Examiner L. Roche regarding a restriction requirement in the subject application. Applicants were instructed to elect between the claims of Group I (claims 1, 7 and 9-18) directed to a product and the claims of Group II (claims 2-6). Applicants provisionally elected to prosecute the claims of Group I (claims 1, 7 and 9-18) with traverse.

Applicants hereby confirm such provisional election and have cancelled the non-elected claims. However, Applicants state that the election is made without traverse.


Applicants also want to take this opportunity to revise the claims, putting them in better condition for examination on the merits. This amendment is not related in any way to patentability of the claims, however. Attached hereto is a marked-up version of the changes

made to the claims by the current amendment. The attached page is captioned "Version with markings to show changes made."

Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

Date: 5/23/01

  
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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**In the claims:**

Claims 2-7, 10-13 and 15-18 have been cancelled.

Claims 9 and 14 have been amended as follows:

9. (Amended) A damping element in automotive construction comprising a composite element[s] as claimed in claim 1 [or 7].

14. (Amended) The [use of] composite element[s] as claimed in claim 1 [2 as] comprising a damping element[s] in automotive construction.

MAY 23 '01, 10:38AM BASF INTEL PATENT DEPT

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P.1/5

**Facsimil Cover Sheet**

**To: L. Roche**

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**GROUP 1700**

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**Subject: Our Docket 12010 - Serial No. 09/456,371**

**cc:**

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**Comments:**

Please find attached the Supplemental Preliminary Amendment for entry into the case. Please call if you have any questions.

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